

*United States District Court*

for

*District of Guam*

**FILED**  
DISTRICT COURT OF GUAM  
JAN 11 2006  
MARY L.M. MORAN  
CLERK OF COURT

**Report for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: **Jimmy Guwa'thag Lee**

Case Number: **CR 02-00006-001**

Name of Sentencing Judicial Officer: **Honorable John S. Unpingco**

Date of Original Sentence: **June 13, 2002**

Original Offense: **Distribution of Explosive Material to a Minor, in violation of 18 U.S.C. § 842(d)(1).**

Original Sentence: A term of 30 days imprisonment, followed by 36 months of supervised release with conditions: serve five months of home confinement and pay all or part of the costs of the program based on his ability to pay as determined by the U.S. Probation Office; refrain from the excessive use of alcohol; submit to one urinalysis test within fifteen days of release from custody and, to two more urinalyses thereafter; obtain and maintain gainful employment; perform 200 hours of community service; and pay a \$100 special assessment fee. **Informational Report** prepared on August 28, 2002. **Conditions modified** on November 21, 2002 to include one month extension of home confinement as a sanction for noncompliance. **Informational Report** prepared filed on January 10, 2003 for noncompliance with the home confinement program. **Revoked** on March 27, 2003 due to noncompliance. **Informational Report** filed on March 10, 2004 for failure to perform community service and make payments towards his home confinement debt. **Conditions modified** on April 21, 2004 to include an additional 50 hours of community service as a sanction for noncompliance.

Type of Supervision: **Supervised Release**

Date Supervision: **August 29, 2003**

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**PETITIONING THE COURT**

☐ To extend the term of supervision \_\_\_\_\_ years, for a total term \_\_\_\_\_ years.

☒ To modify the conditions of supervision as follows:


1. The defendant shall perform a balance of 125 hours of community service under the direction of the U.S. Probation Office.
2. The defendant agrees to convert his electronic monitoring debt with BI Incorporated, in the amount of \$227.49, to a fine due to the change in electronic monitoring vendors:

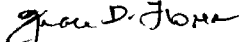
CAUSE

See attached *Modification of Supervised Release Conditions Requested*  
submitted by USPO Judy Anne L. Ocampo.

Reviewed by:

Respectfully submitted,

  
ROSSANNA VILLAGOMEZ-AGUON  
U.S. Probation Officer  
Supervision Unit Leader  
Date: 1/6/06

by:   
for: JUDY ANNE L. OCAMPO  
U.S. Probation Officer  
Date: January 6, 2006

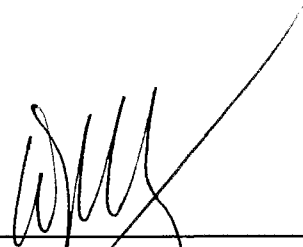
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**THE COURT ORDERS**

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- ☐ No Action
- ☐ The Extension of Supervision as Noted Above.
- ☒ The Modification of Conditions as Noted Above.
- ☐ Other

**RECEIVED**  
JAN 09 2006  
DISTRICT COURT OF GUAM  
HAGATNA, GUAM

  
\_\_\_\_\_  
Signature of Judicial Officer  
DONALD W. MOLLOY, Designated Judge  
1/11/2006  
\_\_\_\_\_  
Date

*United States District Court*

for

*District of Guam*

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. That the defendant agrees to convert 125 hours of community service to a fine at a rate of \$5.15 hourly for a total of \$643.75.
2. That the outstanding balance of \$227.49 for home confinement be converted to a fine.

Witness: *Judy Anne L. Ocampo*  
U.S. Probation Officer

Signed: *Jimmy Guwa'thag Lee*  
Probationer or Supervised Releasee

12-20-05

Date

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF GUAM**

UNITED STATES OF AMERICA  
Plaintiff,

vs.

JIMMY GUWA'THAG LEE,  
Defendant.

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CRIMINAL CASE NO. 02-00006-001

**Re: Modification of Supervised Release Conditions Requested**

On June 13, 2002, Jimmy Guwa'thag Lee was sentenced by Judge John S. Unpingco for Distribution of Explosive Material to a Minor, in violation of 18 U.S.C. § 842(d)(1). On August 28, 2002, an Information Report was submitted to the Court requesting no action. On November 21, 2002, his conditions were modified to include a one month extension of home confinement as a sanction for noncompliance. On January 10, 2003, an informational Report was filed for Mr. Lee's noncompliance with the home confinement program. On March 27, 2003, Mr. Lee's supervised release was revoked due to noncompliance. On August 29, 2003, his supervised release commenced. An Informational Report was filed on March 10, 2004 for failure to perform community service and make payments towards his home confinement debt. On April 21, 2004, Mr. Lee's conditions were modified to include an additional 50 hours of community service as a sanction for noncompliance. He is alleged to have violated the following:

**Special Condition:** *The defendant shall perform a balance of 125 hours of community service.* On July 1, 2005, Mr. Lee was processed for community service as a requirement of his term of supervised release. However, on August 2, 2005, he was terminated after failing to perform community service. His last service was completed on April 9, 2005. Mr. Lee is a full-time employee with Base Corporation and works seven days a week. His boss, Mr. Che Chin Hong, considers him a valuable asset to the company and feels that Mr. Lee's presence is necessary in case of any mechanical malfunction.

**Special Conditions:** *The defendant shall serve five months of home confinement and pay all or part of the costs of the program based on his ability to pay as determined by the U.S. Probation Office; Defendant agrees to extend his home confinement term for one month, in addition to the previously ordered five months, a sanction for noncompliance (modified on November 21, 2002).* From October 9, 2002 to April 9, 2003, Mr. Lee served a total of six months of home confinement, which the Court ordered be paid at his own expense.

Modification of Supervised Release Conditions Requested

Re: LEE, Jimmy Guwa'thag  
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January 6, 2005  
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Mr. Lee still has an outstanding balance of \$227.49 with Securicor Electronic Monitoring Services (EMS), the contracted provider. In May 2005, the Administrative Office of the United States Courts awarded the new national contract for electronic monitoring services to BI Incorporated. Therefore, Securicor EMS no longer provides these services. The Administrative Office of the United States Courts recommends to either remove the co-payment requirement and consider it satisfied or have the Court take other action. It is recommended that Mr. Lee's outstanding balance be converted to a fine amount to assure payment as ordered, since Mr. Lee has the ability to pay for the costs.

**Supervision Compliance:** Mr. Lee completed his urinalysis requirement on August 20, 2002 and paid his \$100 special assessment fee on November 18, 2002. He is gainfully employed as a heavy equipment mechanic and project manager with Base Corporation in Harmon and works seven days a week. He has a remaining balance of 125 hours of community service. Mr. Lee also submits his monthly supervision reports in a timely manner.

**Recommendation:** The Probation Officer respectfully requests that the Court modify Mr. Lee's special conditions, pursuant to 18 U.S.C. § 3583, to allow a conversion of his community service hours and electronic monitoring debt with Securicor EMS to a fine. Mr. Lee has agreed to the modification and executed a Waiver of Hearing to Modify Conditions of Probation form, which is attached.

Respectfully submitted,

FRANK MICHAEL CRUZ  
Chief U.S. Probation Officer

By:   
for: JUDY ANNE L. OCAMPO  
U.S. Probation Officer

Reviewed by:

  
ROSSANNA VILLAGOMEZ-AGUON  
U.S. Probation Officer  
Supervision Unit Leader

cc: Karon V. Johnson, AUSA  
William Bischoff, Defense Counsel  
File